

MEMORANDUM

TO: Charleston City Councilmembers

FROM: Joseph P. Riley, Jr., Mayor

DATE: July 20, 2007

As a follow-up to my memo of June 27 in which I updated you on the status of the City's response to the Sofa Super Store fire, this is another status report of the activities we are engaged in that are a response to the loss of nine brave heroes. You will note that the response is comprehensive and involves many city departments.

I want to compliment our firefighters and our staff who have worked many, many hours to ensure that the families of the fallen firefighters and the other members of the Charleston Fire Department (CFD) are well taken care of. I know how impressed we all have been with the dedication and professionalism that our City team has exhibited during this trying time, especially Chief Thomas and the members of the CFD. It is an honor to be able to serve our citizens alongside them.

I have said many times since the fire that it is our intent to fully understand this event and evaluate the City's policies and procedures to identify areas where we have done well and where we can improve. If we identify areas where improvement is needed, we will act swiftly to implement them. Our City government will emerge from this event a stronger organization, even more prepared than ever to respond to future challenges.

The following is a summary of our activities:

Investigative Activity

There are a number of investigative efforts ongoing as a result of this incident. They include law enforcement, occupational safety and health, and federal programs relating to standards and technology. The focus of these investigations includes cause and origin of the fire, code violations, determining factors that caused or contributed to the firefighters' deaths and developing recommendations for improvements relating to the fire and operational response.

Currently, law enforcement agencies are reviewing information relating to various aspects of the case, interviewing potential witnesses, and examining all relevant data to compile a comprehensive investigative report that will be screened by the appropriate legal representatives. Once all investigative leads have been exhausted and the legal screening occurs, their findings will be provided. The agencies involved in this phase of the investigation include the Bureau of Alcohol, Tobacco, Firearms, and Explosives, State Law Enforcement Division, Charleston Police Department and the Charleston County Sheriff's Office.

Additionally, there are three regulatory and fire science agencies continuing to investigate the fire incident. The agencies include: the National Institute for Occupational Safety and Health (NIOSH), National Institute of Standards and Technology (NIST) and South Carolina Occupational Safety and Health Administration (SCOSHA). These organizations are conducting independent inquiries surrounding various elements of the incident. At the conclusion of their work, a number of published reports will be released. The reports will cover a myriad of topics including fatality prevention information, recommended improvements in building construction and design, and revisions to existing building codes. SCOSHA will specifically address any regulatory or enforcement issues associated with workplace safety along with recommendations for improvements.

All entities completed their site survey and investigation two weeks ago and have moved into the interview phase of their inquiries.

Finally, staff members from the Department of Public Service are examining building and fire codes and related information to develop a full understanding of how these issues contributed to the overall incident.

Response to Survivors of Victims and Efforts to help CFD Personnel

From the unfolding of events during the tragedy of June 18, 2007 to the present, the City and community have focused on providing aid and comfort to the survivors and the brave men and women of the CFD. During the night of the tragedy clergy from around the area were there giving comfort to both the CFD personnel and the families associated with this tragedy. Fire and police liaisons were provided to each family from June 19, 2007 and beyond. The South Carolina Firemen's Association helped with the detailed planning of the Memorial Service on June 22, 2007, manning of City fire stations to allow the CFD personnel to grieve and honor their fallen comrades at each burial and continue to provide any and all help requested to date.

On June 26, 2007, the City's Human Resources Department brought together insurance, state retirement, worker's compensation, probate law, and investment officials to meet with the beneficiaries. This greatly reduced the stress of these family members having to coordinate visits with all of these various entities. You will be proud to know I have received comments from state retirement officials and insurance executives indicating these were the most complete,

compassionate and well done sessions of this type they had ever witnessed. At these sessions the families were told the City was providing continued health care coverage at no cost through October 1, 2007 (technically those covered would have been eligible for COBRA, but at a greatly increased cost). Concerning Workers' Compensation, a line of duty death qualifies for a maximum 500 weeks payout. If taken up front in lump sum, the payout is reduced by a formula in the statute and equals approximately 409 weeks. The beneficiaries were told at these sessions that the City was going to pay the full 500 weeks up front to the dependents determined by the South Carolina Workers' Compensation (WC) Commission. The WC hearings have been expedited and eight of nine will be held on July 27, 2007 with the ninth scheduled for August 31, 2007.

Shortly after the tragedy it became apparent that there was a tremendous public outpouring of support. The City established the Charleston Firemen's Fund so that the public could make donations to support the families of the victims. The City's pledge was, and remains, that 100% of the fund will go to each family in equal shares. An initial payment of \$15,000 per family has been made while dependency issues are determined, hearings set and paperwork completed. The City at its own cost, not the fund's, asked for and has received a legal opinion on the most appropriate fund distribution system. All known interested parties in each family were made aware of the City's distribution plan on July 19, 2007.

In regard to the care of our CFD personnel, we are fortunate to have a strong team of local, state and national experts coordinating this counseling program, including the South Carolina Firefighters Association (SCFA), the National Fallen Firefighters Foundation (NFFF), Charleston/Dorchester Mental Health and Charleston County Department of Alcohol/Drug, and Dr. Layton McCurdy, a psychiatrist and retired administrator at MUSC. I have worked with this group, appropriately named Charleston Peer Support Task Force (CPSTF), to begin the post-incident mental health efforts as described here:

- **Peer Support Program**

CPSTF is coordinating our peer support program. They bring fire department peers from other large departments who have experiences similar to our tragedy (New York, Boston, Baton Rouge, and Worcester) to meet with our fire department personnel in every station. In talking with our firefighters, if these peers feel that a firefighter might need professional help, they will refer the firefighter to the appropriate partner agency (Charleston/Dorchester Mental Health or Charleston County Department of Alcohol/Drug). This process is completely confidential. The City has established a work site at the Parks Department for the coordination of the Peer Support Services over the next two years.

- **Survivor Peer Support Program**

CPSTF also is coordinating our survivor peer program where our surviving families are matched up with other surviving families from across the country. This enables our fallen firefighters' families to actually meet one on one with families who have experienced similar,

traumatic losses. (i.e., widows are matched with widows, children are matched with children and significant others are matched with significant others.)

- **Family Liaison Program**

Charleston Firefighters have been paired up with the surviving families to assist them with a variety of their needs, including disseminating information regarding fire department programs, peer support, and other resources available to them. The liaisons went through a formal training process with the assistance of the NFFF.

- **Internal Fire Department Peer Program**

We are in the process of setting up an internal fire department peer program. Fire department personnel including retired chiefs are in the process of being identified to serve as internal peers. These peers will go through a formal training process and be in place to transition into their roles as peers as our external resources (see Peer Support above) exit over the next 12-14 weeks.

To support all of these needed and vitally important services, I am working with our elected federal officials in an effort to obtain federal funding in the range of \$850,000 per year for the next two years to support these grief counseling efforts. These officials understand the need and believe this financial help, like New York City received post-9/11, is reasonable and achievable.

Sprinkler Systems

Automatic sprinklers are highly effective in providing fire protection in buildings. Because the State Legislature has not required that all commercial buildings have sprinkler systems, we are working to encourage the voluntary installation of sprinkler systems. I have worked with Charleston Water System to design a fee structure that will eliminate all impact fees and tap fees for sprinkler systems and drastically reduce the monthly charge. The Charleston Water System will meet July 24, 2007 and will take action to eliminate tap and impact fees for dedicated fire service connections and no longer require new fire services to be metered.

Additionally, the Board will reduce the monthly charge for all new and existing dedicated fire services to the inside city rates that were effective December 1, 2004. The monthly charge for a six-inch fire connection would be \$22.92/month.

We will pursue legislation that will allow cities to enact appropriate changes to the International Building Code to enhance building safety and protection.

Post Incident Assessment and Enhancement Review

While the joint law enforcement and regulatory agencies investigations are continuing, we are moving proactively to initiate a comprehensive review, assessment and analysis of the City's preparation for and response to the fire and other critical incidents. We will assess the procedures related to the City's fire safety systems, fire procedures and practices, and critical incident response to develop recommendations for an action plan that the fire department, city departments and City leadership can endorse and implement as soon as possible. Led by me, Chief Thomas and Chief Mullen, we will conduct a thorough review, assisted by consultants with expertise in these areas. Information from this review, combined with information we learn from the other ongoing investigations, will ensure that our City is even more highly prepared to proactively prevent, prepare for and respond to emergency incidents in the future.

I want to thank you for your unanimous action this past Tuesday night authorizing me to begin negotiations for the purchase of the site of the tragic fire. As I indicated on Tuesday, this land is a sacred battlefield where nine brave heroes were lost.

As you see, there has been and will be a prodigious amount of work conducted on behalf of our fallen firefighters, their families and friends, and our citizens by our wonderful city team. The events of June 18, 2007 were truly tragic and will not be forgotten, but I am extremely proud of our team's actions in an extremely tough emotional environment. If you have further questions, please call me.

JPR,jr/rd